

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 1, 2005

TO: Internal File

THRU: Peter H. Hess, Environmental Scientist III/Engineering, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist/Biology

RE: 2004 Midterm Review, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002, Task ID #2363

SUMMARY:

The Division is required to review each active permit approximately half way through its term in accordance with R645-303-211. The Division is currently conducting the Midterm Review for the SUFCO Mine. One of the pertinent elements chosen for this current review focuses on the following:

A review to ensure the Plan reflects changes in the Utah Coal Regulatory Program – specifically, compliance with the U. S. Fish and Wildlife Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin.

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

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Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Impacts of mining have the potential to affect water quantity in drainages of the Colorado River basin. This in turn has the potential to affect four Colorado River endangered fish species (Colorado pikeminnow [squawfish], humpback chub, bonytail chub, and razorback sucker). The USFWS considers depletions or significant changes to inflow quantities in the Colorado River drainage as a potential impact to these endangered fish. Water users may have to mitigate any negative impacts if there are considerable changes to inflow volumes or if a mine's water consumption is greater than 100 acre-feet per year. Currently, the mitigation fee is approximately \$16.00 per acre-foot of depletion. This may change marginally from year to year.

The Permittee provided all necessary calculations with supporting documentation for evaluation of the Windy Gap Process. The submitted information came from an evaluation of the water consumption process during the operational or active period of the coal extraction process. Analysis of the information led to a determination that the sum of any water depletions or additions for the SUFCO mining operations (including dust control) and explorations led to a positive affect. The current value of water contributed is greater than the amount of water consumed by the mining operations.

For future permit reviews, the Permittee must submit new water consumption calculations if changes in mining operations significantly change current total estimates.

Findings:

Information provided in the plan meets the Operations - Fish and Wildlife Information requirements of the regulations.

RECOMMENDATIONS:

Approve the midterm.